E & P.H (1948) Department

MS SERIES.

G.O. No. Ms. 2450 P.H

Dated 16th July 1948

[Despatch Abstract.]

Acts - The Madras Prevention of Gambling Act -Act XII of 1945 -

Reenactment - Papers recorded -

GOVERNMENT OF MADRAS
Education and Public Health Department.
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Memorandum No.23491-3.G2/46, dated 4th January, 1947.

Sub: Acts - The Madras Prevention of Couching Act, 1945 - Re-enactment -
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An extract of the Memorandum prepared in connection with the proposal to re-enact the Madras Prevention of Couching Act, 1945, together with a copy of the Act is forwarded to the Central Board of Indian Medicine for very early remarks which may be sent through the Special Officer for the Re-organization of the Department of Indian Medicine.

(Sd.)xxxxx,
Secretary to Government.

To
The President,
Central Board of Indian Medicine (with enclosures).
The Special Officer for Indian Systems of Medicine.

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Office of the Special Officerfor the Reorganisation of the Department of Indian Medicine, Fort St. George.

From
Sri C. Narayanaswami Naidu, B.A., B.L.,
Special Officer.

To
The Joint Secretary to Government,
Education and Public Health Department.
Fort St. George, Madras.

RC.No.1208-2.S.O./46 dated 12th May 1947.

Sir,

Sub: Acts - The Madras Prevention of Couching Act, 1945 - Re-enacement -
Ref: Govt. Memorandum No.23491-3-G2/46 dated 4th January 1947.

....

In forwarding herewith Rc.No.2587-CB1-47 dated 5th March 1947 from the President, Central Board of Indian Medicine, I have the honour to state that the Board has suggested that the definition of the term "registered practitioner" may be extended to include "practitioners registered under G.O.No.231, P.H., dated 1st February 1933 and who have had special training in Ophthalmology and Surgery". As it will always be difficult to assess, whether a person registered under G.O.No.231, P.H. dated 1st February 1933, had a special training in Ophthalmology, I would suggest adding "and those registered practitioners of Indian Medicine, registered under G.O.No.231, P.H., dated 1st February 1933 whose qualifications denote at least a minimum standard of professional training for undertaking surgical (including Ophthalmological) work".

(Sd.) C.Narayanaswami Naidu.
Special Officer.

From
Dr.M.PARANKUSAM, L.M&S., F.I.M.
President, Central Board of Indian Medicine, Madras-10.

Medical Department.
To: The Secretary to Govt., Education and P.H. Department, Fort St. George, Madras.
THROUGH: The Special Officer for the the Reorganisation of the Department of Indian Medicine, Fort St. George, Madras.

Rc.No.2587CBI-47 dated March 5th 1947.

Sir,

Sub: Couching by unqualified persons - Act to prevent Madras Act XII of 1945 - Published in the Fort St. George Gazette dated 3-7-1945.
Ref: Memo.No.1208.S.O.46 dated 14-12-46 from the Special Officer for the Reorganisation of the Department of Indian Medicine and Government Memorandum No.23491-3-G2/46 dated 4-1-1947.

I have the honour to furnish below an extract from the proceedings of the meeting of the Central Board of Indian Medicine held on 16-12-46 on the subject:--

"Resolved to request the Government to amend the act suitable to permit duly qualified and competent practitioners of Indian Medicine to undertake "Couching" by adding the following words in the definition of registered practitioner appearing in the act. "and those registered under G.O.No.231 P.H. dated 1-2-33 who have had special training in Ophthalmology and surgery."

The Government Memorandum under reference was placed before the Board at its meeting held on 3-2-47. The Board held the same views.

(Sd.)Dr. M. Parankusam,
President.

GOVERNMENT OF MADRAS
Education and Public Health Department.
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Memorandum No.23491/47-6.G2.P.H., dated 22nd March 1947.

Sub: Acts - The Madras Prevention of Couching Act 1945 - Re-enactment -
Ref: From the Special Officer Re-organisation of the Department of Indian Medicine, No.1208.SO/46, dated 12-3-47.

A copy of the letter from the Special Officer for the Re-organization of the Department of Indian Medicine quoted above is referred to the Surgeon-General for early remarks.

(Sd.) xxxxxx,
Secretary to Government.

To
The Surgeon-General with the Govt. of Madras.
(with enclosures).

R.No.22268-H. Office of the Surgeon-General with the Government of Madras, Madras 6, D/18th April 1947.

From
Dr. P.V. Charian, MBE., FRCS(Edin.), etc.,
Surgeon-General with the Govt. of Madras.

To
The Secretary to Government, Education and Public Health Department.

Sir,

Sub: Acts - The Madras Prevention of Couching Act, 1945 Re-enactment -
Ref: Government Memorandum No.23491/47-6.G.2.P.H., dated 22-3-1947.

Couching is usually followed by grave complications even when done under aseptic conditions and is not performed or resorted to by the modern ophthalmologists only under very exceptional circumstances. It was to provide for the rare conditions under which couching may have to be performed that the law was suitably worded. If by inclusion as qualified persons, followers of Indian Medicine seek to practice couching widely as a routine under the protection of law, I am of opinion that the act should not be amended.

Your obedient servant,

(Sd.) xxxxxx,
for Surgeon-General with the Govt. of Madras.
16-4.

EDUCATION & P.H.(D3) DEPARTMENT

M E M O R A N D U M.

LEGISLATION TO PREVENT 'COUCHING' BY QUAKCS.

Till July 1945 there was no statutory provision in this Province to prevent 'couching' by quacks. Although the spread of education and the opening of eye clinics in several Government hospitals had greatly contributed to a fall in the practice of 'couching' by quacks, there was evidence that this operation was still conducted by them in this Province, with very serious results. The operation commonly known as 'couching' when performed by unqualified persons involves grave dangers/ to the eyesight of the person who is induced to submit to it. People readily agree to undergo this operation because couching appears to effect a miraculous cure inas much as immediately after the operation, vision is restored and the patient has not to be in bed with his eyes bandaged. Soon afterwards however (in periods varying from a few days to a few months) the eye begins to lose its vision owing to insidious inflamation inside the eye-ball and in course of time the eye becomes completely blind beyond the reach of any treatment. Though the dangers of this operation are generally recognised, the law did not provide for the punishment of its perpetractors. The Surgeon-General reported that it was essential to introduce legislation penalising the practice of 'couching'

2. The Government of India were consulted in the matter and they stated that they had no objection to the proposed legislation to prevent 'couching' by quacks. A draft Bill was accordingly published in the Fort St. George Gazette for eliciting opinion on the Bill. In the Bill 'couching' was defined as follows:-

"'Couching' means the operative displacement by the use of a needle or other instrument, of the opaque crystalline lens of the eye so as to cause it to be below the axis of vision."

The Bill also provided that whoever not being a Registered Practitioner or not possessing a qualification entitling him

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him to be registered under the Madras Medical Registration Act, 1914, performed or attempted to perform 'couching' on a person whether with or without his consent or agreed to perform 'couching' shall be punishable with imprisonment for a term which might extend to 6 months or with fine which may extend to Rs.1000/- or with both. An offence against the Act is cognizable and bailable and may be compounded with the permission of the Court. Magistrates not below the rank of second class Magistrates can alone try any offence against the Act. No such Magistrate shall take cognizance of any offence exeept --

(i) upon the complaint in writing made by the person on whom couching was performed or an attempt to perform couching was made; or

(ii) upon the report of a Police Officer not below the rank of Sub Inspector; or

(iii) upon the report of any person or class of persons authorized by the Provincial Government in this behalf.

No Magistrate shall take cognizance of any offence against this Act, unless the prosecution is instituted within 6 months from the date on which the offence is alleged to have been committed.

3. Certain L.I.M. Associations objected to the Bill on the ground that the Legislation prevented L.I.Ms.(i.e. students who pass out of the School of Indian Medicine) from doing the operation. The Government held the view that L.I.Ms. could not be treated for this purpose as on a part with qualified students of modern scientific medicine.

4. The Bill was accordingly enacted into law viz. the Madras Prevention of Couching Act 1945 (Madras Act XII of 1945). It is proposed that this Act may be re-enacted.

(Sd.)-S.R.K.
23-8-46.

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EDUCATION & PUBLIC HEALTH DEPARTMENT.

MEMORANDUM UNDER SECRETARIAT INSTRUCTION 32(2).

Acts - The Madras Preventionof Couching Act, 1945 (Madras Act XII of 1945) - Re-enactment of.

The operation commonly known as 'couching' when performed by unqualified persons involves grave danger to the eyesight of the person who is induced to submit to it. People readily agree to undergo this operation because couching appears to effect a miraculous cure inasmuch as immediately after the operation, vision is restored and the patient has not to be in bed with his eyes bandaged. Soon afterwards however (in periods varying from a few days to a few months) the eye begins to lose its vision owing to insidious inflammation inside the eye-ball and in course of time the eye becomes completely blind beyond the reach of any treatment. Although the spread of education and the opening of eye clinics in several Government hospitals had greatly contributed to a fall in the practice of 'couching' by quacks, there was evidence that this operation was still conducted by them in this Province, with very serious results. As there was no statutory provision to prevent 'couching' by quacks, the Surgeon-General reported that it wasessential to introduce legislation penalising the practice.

2. The Government of India were consulted in the matter and they stated that they had no objectionto the proposed legislation. A draft Bill was accordingly published for criticism in the Fort St. George Gazette in English and in the five principal languages of the Province and six weeks' time was given to the public to submit their objections and suggestions with respect to the Bill.

3. Certain L.I.M. Associations objected to the Bill on the ground that the legislation prevented L.I.M'(i.e. students who pass out the School of Indian Medicine) from doing the operation. It was, however, considered that L.I.M.'s could not be treated

for

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for this purpose on a par with qualified students of modern scientific medicine. The Bill was finally enacted by His Excellency the Governor as Madras Act XII of 1945. A copy of the Act is annexed.

4. This Act, like other Acts passed during the section 93 situation will cease to be in force on the 30th April 1948, unless it is re-enacted. As the reasons for passing the above Act still hold good, it is suggested that it may be re-enacted.

5. The Legal Department has advised that the legislation proposed falls under entries 1 and 2 of the Concurrent Legislative List, viz., "Criminal Law" and "Criminal Procedure", and is intra vires the Provincial Legislature.

6. Orders are solicited whether the Act may be re-enacted.

ANNEXURE.

(* Madras Act XII of 1945 to be attached by E. & P.H.)

EDUCATION & P.H.(G2) DEPTT.

This Act has been included in the Madras Re-enacting and Repealing Act published as Madras Act VII of 1948 - Vide item 51 an of p.5 of G.O.No.84 Legal dated 28-4-1948. The papers may therefore be

ORDER(Ms.)No.2450, DATED 16--7--1948.

RECORDED.

(Sd.) T.G.M.
6-7-45.

Abstract.
Acts - The Madras Prevention of Couching Act - Act XII of 1945 - Re-enactment - Papers recorded -

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/True copy/

Superintendent,
Madras Record Office.

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